IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Civil Writ Petition No. 942 of 2001 (S/S)

1. Alok Sharma S/o Late Sri O.P. Sharma
   Mallital, Bhimtal
2. Atul Kumar Joshi
   S/o Late Sri M.C. Joshi
   R/o Saket Colony
   Naukuchiyatal
   District Nainital …Petitioners

Versus

1. State of Uttaranchal through
   Chief Secretary
   Uttaranchal
   Dehradun
2. Commissioner
   Kumaon Mandal
   Nainital
3. Managing Director
   Kumaon Mandal Vikas Nigam
   Oak Park
   Nainital …Respondents

Writ Petition No. 1317 of 2003 (S/S)
(Old No. 6236 of 1996 (S/S)

1. Satish Kumar Upreti aged about 31 years
   S/o Sri Girish Chandra Upreti
   R/o Village Kunjanpur
   Post Gangoli Hat
   District Pithoragarh
2. Gajendra Singh Dasila aged about 30 years
   S/o Sri Indra Singh Dasila
   R/o Dasila Niwas
   Dungadhara
   Post Pokharkhali
   District Almora
3. Hem Chandra Joshi aged about 33 years
   S/o Sri Bhuwan Ballabh Joshi
   R/o Village Achardhar
   Post Shree Narain Swami Ashram
   Ramgarh
   District Nainital
4. Harish Chandra Pandey aged about 33 years

S/o Late Sri Jagdish Chandra Pandey
R/o Devi Bhawan, Bhimtal
Post Mallital Bhimtal
District Nainital …Petitioners

Versus

1. State of U.P. through the
Principal Secretary
Uttarakhand Vikas
Civil Secretariat
Lucknow
2. The Director
Training and Employment
Government of Uttar Pradesh
Guru Govind Singh Marg
Lucknow
3. Kumaon Television Limited
Industrial Estate
Post Bhimtal
District Nainital
4. Kumandal Mandal Vikas Nigam Ltd.
Post Bhimtal
District Nainital
5. The Managing Director
Kumaon Mandal Vikas Nigam Ltd. and
Director Incharge
Teletronix Ltd. and
Kumaon Televiaion Ltd.
Post Bhimtal
District Nainital …Respondents

Writ Petition No. 3049 of 2001

Devendra Singh Bisht
S/o Sri M.S. Bisht
U.P. State Observatory
Manora Peak
Nainital …Petitioners

Versus

1. State of Uttaranchal through
Chief Secretary
Uttaranchal
Dehradun
2. Commissioner

Kumaon Mandal
Nainital

3. Managing Director
Kumaon Mandal Vikas Nigam
Oak Park
Nainital …Respondents

Sri I.P. Gairola, learned counsel for the petitioners
Sri N.C. Gupta, learned standing counsel for the respondents

Hon'ble B.C. Kandpal, J.

By means of this writ petition, the petitioners have sought the writ of mandamus directing the respondents to adjust or re-employee the petitioners in the Government Departments.

Brief facts of the case as narrated in the writ petition are that the petitioners namely, Alok Sharma was appointed as Assistant Manager in M/s Teletronics Ltd. on 02.06.1989 and Atul Kumar Joshi as a Junior Purchase Officer in M/s Kumaon Television Ltd. on 14.03.1988. The U.P. Government vide G.O. No 3032/28.06.95/22 Ni/94 dated 30.12.1995 winded up the employees of M/s Teletronics Ltd. and M/s Kumaon Television Ltd. and ensured to adjust the retrenched employees of the units.

It is alleged in the writ petition that the Secretary, U.P. Government in his letter No. 257/28.06.96/22Ni/94 dated 26.02.1996 ensured the priority of retrenched employees of M/s Teletronics Ltd. and Kumaon Television Ltd. in future appointment in various departments.

The petitioners thereafter approached the concerned authorities. The Chief Secretary, Uttar Pradesh on 20.09.1997 issued a memorandum for providing re-employment or adjust the retrenched employees in any Government Organization but all in vain. Hence, this writ petition.

Heard learned counsel for the parties and perused the record.

This court while issuing the notices to the respondents has passed an order dated 01.05.2001 that the respondent No. 1 and 2 shall give

appointment to the petitioners within a period of 15 days from the date of production of the certified copy of this order.

Learned counsel for the petitioners has filed the copy of the judgment passed in *Civil Writ Petition No. 6609 of 2001 (S/S) Vijay Kumar Joshi & others Vs. State of Uttar Pradesh & others* and has submitted that this Court has allowed the writ petition of certain other retrenched employees with the directions that the State of Uttar Pradesh and the counter part of respondent No. 1 and 2 i.e. Director, Training and employment, Government of U.P., Lucknow, in the State of Uttaranchal to give appointment to the petitioners in suitable post in compliance of the Government Orders dated 30.12.1995 and 26.02.1996 with full salary w.e.f. 1st April, 1996.

Learned counsel for the petitioners has also submitted that after the aforesaid decision in the above writ petition, the petitioners were not given appointment by the respondents. It has been submitted that the matter of the petitioners is of similar nature and the petitioners were also working in M/s Teletronics Ltd. and Kumaon Television Ltd. hence they may also be given appointment in suitable post in compliance of the order dated 30.12.1995 and 26.02.1996.

Having heard the arguments advanced by the learned counsel for the parties and given my anxious consideration to the documents filed by the parties before this court as well as after perusal of the judgment passed by this Court earlier with regard to the similar matters, I am of the view that the these writ petitions should be allowed.

The petitioners cannot be left on the road as it would amount retrenchment against the law and also against the spirit of the Government Orders dated 30.12.1995 and 26.02.1996.

Therefore, in the circumstances stated above these writ petitions deserves to be disposed of with the observations that the opposite parties shall give appointment to the petitioners in suitable posts in compliance of the Government Orders dated 30.12.1995 and 26.02.1996 with full salary w.e.f. 1s April, 1996 within a period of three months.

With these observations the writ petitions are disposed of finally. No order as to costs.

Let the copy of the order be placed in Writ Petition No. 1317 of 2003 (S/S) Satish Kumar Upreti &others Vs. State of U.P. & others and Writ Petition No. 3049 of 2001 Devendra Singh Bisht Vs. State of Uttaranchal.

(B.C. Kandpal, J.)

06.06.2005
ASWAL